

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA BROOKE,
Plaintiff,

v.

PACIFIC PYRAMID GROUP, INC.,
Defendant.

Case No.17-cv-03278-SK

ORDER OF DISMISSAL

Re: Dkt. No. 14

Plaintiff's counsel prepared a notice of settlement of the above-entitled action and advised the Court that it would dismiss the matter with prejudice within 45 days. (Dkt. No. 14.) Forty-five days have long since passed and the parties have failed to submit a dismissal. Therefore, **IT IS HEREBY ORDERED** that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within thirty (30) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial. If no certification is filed, after passage of ninety (30) days, the dismissal shall be **with** prejudice.

Dated: January 10, 2018



SALLIE KIM
United States Magistrate Judge